



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## THE PIOUS FUND

BY REV. FATHER ADAM, V. G.

In 1857 Hon. John T. Doyle was authorized by the Most Rev. Archbishop Alemany of San Francisco, and the Right Rev. Bishop Amat of Monterey and Los Angeles, to take steps to recover for them as official trustees for the Catholic church and Catholic people of this state, the sums due by the government of Mexico to the church on account of the "Pious Fund of California"—the property belonging to which had been appropriated by Santa Anna, in 1842, to the use of the public treasury.

It is my purpose this evening to show how the Pious Fund originated and what vicissitudes it was subject to.

The Spanish monarchs, from the time of the discovery of California in 1542 by the expedition fitted out by Cortez, cherished the object of colonizing this country and of converting its inhabitants to the Catholic faith.

Many expeditions were set on foot at the expense of the crown, for a century and a half, at an enormous expense, but without permanent result. Venegas tells us that down to 1697 the kings of Spain really had no permanent foothold in the vast territory which they claimed under the name of California.

The Spanish government as early as 1643 invited the Jesuits to accompany Admiral Pedro Portal de Casanate in his expedition to California, which, like others attempted previously, failed.

The last expedition undertaken by the crown was equipped in pursuance of a royal cedula in 1697; but it did not sail till 1683. It was confided to the command of Admiral Otondo, and the spiritual administration of the country was again entrusted to the Jesuits, the celebrated Father Kino accompanying the expedition. In spite of many precautions taken and an expenditure of \$225,000, it failed. No wonder that in a Junta general (a public meeting under the auspices of the viceroy) it was determined that "the reduction of California by the means theretofore relied on was simply an impossibility, and that the only mode of accomplishing it was to invite the Jesuits to undertake its whole charge, at the expense of the crown."

The fathers declined the offer, believing as they probably did, that the conduct of the royal officers, civil and military, was the probable cause of the failure of former expeditions. However, their services as missionaries were freely placed at the disposal of the government.

Venegas tells us that individual members of the society, animated by a zeal for the spread of the Christian faith in California, proposed to undertake the whole charge of the conversion of the country and its reduction to Christianity and civilization; and this without expense to the crown, on condition that they might themselves select the civil and military officers to be employed. This plan was finally agreed to, and on the 5th of February, 1697, the necessary authority was conferred on Father Juan Maria Salvatierra and Francisco Eusebio Kino. Two conditions were required by the government, viz: (1) that possession of the country was to be taken in the name of the Spanish crown, and (2) that the royal treasury was not to be called on for any of the expenses of the enterprise without the express order of the king.

Fathers Kino and Salvatierra solicited and received from various individuals and religious bodies voluntary donations, called *limosnas*, or alms. The funds thus collected were placed in their hands, in trust, to be applied to the propagation of the Catholic faith in California, by preaching, erection of church edifices, the founding of religious schools and the like, and under the same system as that pursued by the Jesuits in Paraguay, Northern Mexico, Canada, India and elsewhere.

Details of the earliest contributions obtained can be found in Venegas' "Notice de la California," volume 2. Besides sums given to defray immediate expenses, it was determined to establish a fund or capital, whose income should form a permanent endowment for the missions.

The first contributions seem to have been by the congregation of "Nuestra de los Dolores," which contributed \$10,000; and Don Juan Caballero y Ozio gave \$20,000 more. These donations formed the nucleus of the "Pious Fund." It was increased from time to time by others, and in a few years it attained great magnitude and importance.

For more explicit details, one could read a "Papal Anonimo," or Father Palou, with "The Informe del Director General de Temporalidades y Fondo Piadoso," "Documento para la Historia de Mexico," in series, Vol. VI, and other authors.

Among the most important contributions to the fund was one

by the Marquis de Villa Puente and his wife, who in 1735, besides money donations, conveyed to the Society of Jesus, by deed, their estates and property of great value.

With Fathers Kino and Salvatierra were associated Fathers Juan Ugarte and Francisco Maria Piccolo; the former a missionary of singular talent and aptitude for the management of business affairs, having been made *procurator*, or man of business for the missions located in Mexico. Father Kino was unable to accompany his associates to the scene of their labors, and the mission was commenced by Fathers Salvatierra and Piccolo—who, three years later, were joined by Father Ugarte. These missionaries landed in an unknown country remote from all supplies and communications, accompanied by a corporal and five men, with three Indian servants, aiming at no less an object than the spiritual conquest of the whole peninsula, and the country to the north of it, as far as Cape Mendocino. The chronicles of the obstacles they surmounted, the privations, sufferings and perils to which they were exposed, read like a romance, and is full of instruction. Besides the chief object of bringing the native population into the fold of the church, these men never lost sight of the interests of learning and science. They observed and chronicled in the new country all that was of interest in any branch of human knowledge.

It is more than one hundred years since the Jesuits were expelled from Lower California, yet to this day most that we know of its geography, climate and natural history is derived from the relations of these early missionaries.

The "Pious Fund" continued to be managed by the Jesuits till 1768, in which year they were expelled from Mexico by royal order. The missions of Lower California were confided to the "Dominicans" and those of upper California to the "Franciscans." The income and product of the "Pious Fund" was thereafter appropriated to the missions of both orders. The missions were designed, when the population should be sufficiently instructed, to be converted into parish churches, as had been done in other parts of New Spain.

Father Junipero Serra, as all know, was the first President of the missions of Upper California, and these missions were governed by him and his successors down to the year 1836, when Francisco Garcia Diego, the last President of the missions, was appointed the first Bishop of the new diocese.

The royal decree against the Jesuits says: "And let all their temporalities be seized in my name." The Crown then took all the

estates of the order, including those of the "Pious Fund," which, however, was held in trust by duly appointed officers. The income and product of the same continued to be devoted, through the instrumentality of the ecclesiastical authorities, to the religious uses for which they were dedicated by the donors.

On the declaration of Mexican independence, Mexico succeeded to the crown of Spain as trustee of the "Pious Fund," and it continued to be managed, and its income to be applied as before, down to September 19, 1836. The Catholic religion being the established religion of Mexico, a law was passed in 1836 by the Mexican Congress endowing the new Bishopric of California with \$6,000 per year and leaving the administration of the "Pious Fund" to said first Bishop and his successors. On February 8, 1842, the law of 1836 was abrogated by a decree of Santa Ana, then President of the republic, and the trust was again devolved to the State, for the purpose of carrying out the trust as established by its donors and founders.

On October 24, 1842, the same President went a step farther and had all the property belonging to the "Pious Fund" sold, capitalizing on the basis of six per cent. per annum; that the proceeds should be paid into the public treasury, and an obligation be assumed by the government to pay six per cent. on the capital. So far no attempt had been made to destroy or confiscate the property or impair the trust.

At that time, namely 1842, the "Pious Fund" property was sold for about two million dollars. The Bishop of California remonstrated earnestly against the decree of October 24, 1842, as violation of his rights and the sacredness of a contract with the Holy See. In 1845 the General Congress passed an act restoring to him and his successors the properties of the fund yet remaining unsold.

There is no doubt that the Republic of Mexico is indebted to the Catholic church of the State of California for due proportion of the interest accrued since the treaty of Queretaro on the capital of the fund which was taken into the national treasury by the Act of October, 1842:

Archbishop Alemany and Bishop Amat claimed from the government of Mexico, as American citizens, not only the twenty-one installments that became due from 1849 to 1868, with interest from the year last named, but also to interest on these installments from the time they became payable. According to Mr. Wadsworth, the fund amounted to \$1,436,033; the interest at six per cent. per annum would be \$86,161.98; of which the missions of Upper Cali-

fornia were entitled to one-half, that is to say, \$43,080.99 per annum, commencing with the year 1849 to 1868. The claim against Mexico was entered by Archbishop Alemany and Bishop Amat as corporations sole. It was proved by their lawyers that the nature of the "Pious Fund" was that of a trust for religious objects, namely, the propagation of the Roman Catholic religion amongst the Indians of both Californias. It was a perpetual trust. Mexico never attempted to deny or impair the trust, but throughout expressed by her laws its sacredness, its religious character and her obligation as a civilized State to respect it accordingly.

The fund was founded in 1735. It was administered by the Jesuits until 1762, and for ten years by the Franciscans. In 1772 it was assumed by the King of Spain. In 1832 Mexico recognized the trust and its religious character; in 1836 Mexico transferred the administration of the fund to the Bishop of the Californias.

The "Pious Fund," with all its receipts and disbursements, was kept not only on a separate account, but as one of its outside bureaus, in which, though administered by the government, the government itself claimed no interest. Finally, in 1845, Mexico passed an act for restoring the fund and all unsold property to the Bishop of California. This was the last legislative act of Mexico dealing with the "Pious Fund."

Against all this body of proofs, the opponents asserted that the fund and its object were more political than religious; that the donors contributed in that view; and that the acts of Mexico in dealing with the fund were for national and political objects. But their assertions had never been heard before, and no proof to substantiate them is offered by them or can be offered; they turned their backs upon the history, not only of Spain but still more of Mexico herself.

#### AMOUNT DUE BY MEXICO.

So long ago as November 16, 1792, the total capital money and property of the "Pious Fund" was almost \$829,000, with a net annual income over expenditures of almost \$8,500. In 1842 it had amounted to \$1,700,000.

The Umpire awarded that the Mexican government on account of the above claim had to pay the sum of \$904,700.79.

By the treaty of Guadalupe Hidalgo, the Roman Catholic church of Upper California acquired the political status of American citizenship, and its portion of income of the "Pious Fund" thereafter becoming due was of course payable to American citizens. The claim thus became cognizable before the mixed commission

holding its labors in Washington. It was presented in the name of the Archbishop and Bishops of the Roman Catholic church, representing their flocks. The litigation lasted some years. The argument in behalf of Mexico was conducted by Hon. Caleb Cushing and Don Manuel Aspiroz, an eminent Mexican jurisconsult, and by John T. Doyle on behalf of the claimants. The Commissioners differed in their judgments, the Mexicans holding that the California missions were mere political establishments and the funds provided for their support merely public funds. Mr. Wadsworth, as American Commissioner, held the "Pious Fund" to be a charity of private formulation, and a sacred trust put into the hands of Mexico which she had no right to divert for other purposes.

By this difference of opinion the case of the claimants was nearly won, when put into the hands of such an umpire as Sir Edward Thornton, who could not by a judicial decision sanction a spoliation of property devoted by its owners to works of piety and charity. His decision gave to the church of California judgment against Mexico for over 900,000 dollars! This decision in behalf of claimants was given in Washington November 11, 1875.